IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE TENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SMT. JUSTICE T. MEENA KUMARI

AND

THE HON'BLE SRI JUSTICE P. LAKSHMANA REDDY

WRIT APPEAL NO : 741 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 08.12.2004 in W.P.No.16253 of 2004 on the file of the High Court.)

Between:

S.V. Subbarao, S/o Late Venkata Subbaiah,

S.D.S.H. School, R/o 7-83, Simhachalam, Visakhapatnam District.

..... APPELLANT

AND

1. The Accountant General (A&E), A.P., Hyderabad.
2. The District Educational Officer (FAC), Visakhapatnam.
3. The District Educational Officer, Guntur.

.....RESPONDENTS

Counsel for the Appellant : Sri P. Raja Sekhar

Counsel for Respondents: Govt. Pleader for School Education.

The Court at the stage of admission made the following

JUDGMENT: (Per the Hon'ble Smt. Justice T. Meena Kumari)

This writ appeal is filed, aggrieved by the order, dated 08.12.2004, in W.P.No.16253 of 2004 passed by the learned Single Judge.

The appellant filed the writ petition seeking a direction to the respondents to issue the service certificate for the services rendered by him from 05.09.1947 to 08.11.1967 and to fix the full pension by revising the pension proceedings issued by the first respondent, dated 10.07.2001. The learned Single Judge disposed of the writ petition with a direction that either the second respondent or the third respondent can file an application before the II Additional District Judge, Visakhapatnam in O.S.No.73 of 1977, which was filed by the appellant, for return of service register or its certified copy from the Court and thereafter the third respondent shall pass appropriate orders, within a period of one month from the date of issue of the service register.

The learned counsel for the appellant submits that in O.S.No.77 of 1977, the certified copy of the service certificate issued by the District Board, Guntur was marked as Ex.A26, but the management has not produced the Service Register of the appellant relating to his service from 05.09.1947 to 08.11.1967 before the Court below and hence the question of issuing a direction to the respondents to file an application seeking its return does not arise. The learned counsel submits that the appellant made a representation, dated 22.01.2004, to

the respondents for production of service register and the same is pending.

Perused the material available on record. In view of the submission made by the learned counsel for the appellant that the appellant made a representation, dated 22.01.2004, to the respondents for production of the service register, without going into the merits of the case, we direct the respondents to consider the representation of the appellant in accordance with law. The appellant shall obtain the certified copy of the service certificate from the Court of the II Additional District Judge, Visakhapatnam, if he so desires and shall produce the same before the respondents. As and when it is produced, the same shall be considered in accordance with law.

With the above said modifications, the writ appeal is disposed of. There shall be no order as to costs.

(T. Meena Kumari.J)

(P. Lakshmana Reddy.J)

ksld

Dt.10.06.2005

To

1 The Accountant General (A&E), A.P., Hyderabad.

2 The District Educational Officer (FAC), Visakhapatnam.

3 The District Educational Officer, Guntur.

4 Two CCs. to the G.P. for School Education, High Court of A.P., (OUT).

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